

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

MARK STEVEN COHEN
TX-1335205-L & TX-1336328-R

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DOCKETED COMPLAINT NO.
06-158

AGREED FINAL ORDER

On this the 27th day of June, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Mark Steven Cohen (Respondent).

In order to conclude this matter, Mark Steven Cohen neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Mark Steven Cohen is a Texas state certified residential real estate appraiser, holds or held license number TX-1335205-L and certification number TX-1336328-R, and has been licensed or certified by the Board during all times material to the above-noted complaint case.
2. On or about May 1st, 2006, Respondent appraised real property located at 2117 Shari Lane, Garland, Texas 75043 ("the property").
3. Toni Rowe filed a complaint with the Board alleging that the appraisal report Respondent performed on the property was deceptive and misleading and contained numerous errors, miscalculations and oversights.
4. On or about June 19th, 2006 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent violated TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property.

- a) Respondent communicated a misleading appraisal report for the property because he represented in his report that he had inspected the exterior and interior of the property when he had not;

6. Respondent has made material misrepresentations or omitted material by certifying that he personally inspected the interior and exterior of the property when he had not done so and failing to disclose that an unlicensed individual (Chad Shindle) assisted in the completion of the report by conducting the property inspection, measurements and photographing the property.

7. Respondent sent an unlicensed individual (Chad Shindle) to inspect the property, take measurements and photograph the property, but failed to provide active, diligent and personal supervision of that person during the course of conducting real estate appraisal services.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule; USPAP Standards Rules: 2-1(a) and 2-3.

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omissions of material facts.

4. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(13) by failing to supervise an unlicensed person assisting him in the performance of real estate appraisal services actively, personally and diligently.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Have his certification suspended for twelve months with this suspension being fully probated under the following conditions:
 - i. Respondent shall timely with all the terms of this Order;
- b. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c. Pay an administrative penalty of \$2,000.00 and,
- d. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **NINE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the nine-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518, including, but not limited to possible revocation of the above-noted probated suspension.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 18 day of JUNE, 2008.



MARK STEVEN COHEN

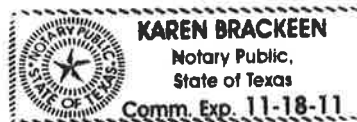
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 18 day of June, 2008, by MARK STEVEN COHEN, to certify which, witness my hand and official seal.




Notary Public Signature

KAREN BRACKEEN

Notary Public's Printed Name



Signed by the Commissioner this 27th day of June, 2008.



Timothy K. Irvine, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 27th day of JUNE, 2008.



Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board